



State of Texas

DAN MORALES
ATTORNEY GENERAL

February 6 1991

Mr. Bill Derryberry
President, Board of Directors
Williamson County MUD No. 3
P. O. Box 986
Cedar Park, Texas 78613

OR91-078

Dear Mr. Derryberry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11462.

You indicate that the Williamson County Municipal Utility District No. 3 has received a request from Longhorn Disposal for a proposal submitted by Lone Star Disposal Services, Inc., in response to a request for competitive proposals for solid waste services issued by the district. Longhorn Disposal has also submitted a proposal in response to the request. You contend that the proposal submitted by Lone Star Disposal Services is excepted from disclosure under section 3(a)(4) of the Open Records Act, as

information which, if released, would give
advantage to competitors or bidders.

A contract has not yet been awarded, and Longhorn Disposal is still at liberty to submit additional information about its proposal.

It is well settled that, under section 3(a)(4), information may be excepted so long as any bidder remains free to furnish additional information relating to its proposed contract. Open Records Decision No. 170 (1977); see also Attorney General Opinion MW-591 (1982). In the present instance, you may withhold Lone Star's proposal until the contract is awarded. See Open Records Decision No. 306 (1982).

Because case law and prior published open records decisions resolve your request,

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we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-.078

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/lcd

Ref.: ID# 11462

Enclosure: Open Records Decision Nos. 170, 306.

cc: Ken Bernard
General Manager
Texas Waste Systems, Inc.
Longhorn Disposal
P. O. Box 14644
Austin, Texas 78761